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# INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 March 2000]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

Trafficking in Women and Children

1. Trafficking, the illegal and highly profitable transport and sale of human beings across or within international borders to exploit their labor, is a human rights abuse with global dimensions. Trafficking is a form of slavery. Women and children are lured, abducted or sold into forced labor, forced prostitution, domestic service, or involuntary marriage. They are subjected to rape, and sexual abuse by their traffickers and held as prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will. Recently, globalization, organized crime, and the Internet have led to an alarming increase in trafficking. Organized crime syndicates receive support from police and politicians through bribes.[i]

2. The Internet is the latest place for promoting global trafficking and sexual exploitation because there is little regulation.[ii] Agents offer catalogues of mail order brides with girls as young as thirteen. Commercial prostitution tours are advertised. These tours first appeared on the web in mid-1995 when Alan J. Munn, New York City, USA, launched PIMPS 'R' US. He arranged prostitution tours to the Dominican Republic and Nevada, USA. New technology has enabled an online merger of pornography and prostitution. The Internet reaches a prime group of potential buyers -men from western countries faster and less expensively than any other media. The oldest forum on the Internet for promoting sexual exploitation is the Newsgroup alt.sex.services (later renamed alt.sex.prostitution). Postings from the Newsgroup are archived into a World Wide Web site called The World Sex Guide which includes information and advice on where and how to find prostituted women and children in 110 countries. In August 1995, the category Yahoo: Business and Economy: Companies: Sex had 391 listings for live video conferencing, sex tours, escort services and mail order bride agencies. In August 1996, there were 1671 listings- a four fold increase in one year. In 1997, the online sex industry was estimated to be making US $1 billion a year, just in the U.S.[iii]

3. The following news stories concerning trafficking were recently reported in the local newspaper. Similar stories are reported daily in the U.S. and around the world. On January 14, 2000 a San Francisco newspaper reported that a wealthy Berkeley landlord Lakireddy Bali age 62, and his 30 year old son, Vijay Kumar Lakireddy, were arrested for smuggling three Indian teenage girls into the United States for sex and labor. Police began investigating after two of the girls suffered carbon monoxide poisoning in his apartment and one died. Lakireddy submitted fraudulent petitions to the Immigration and Naturalization Service saying the girls would be employed at his company. He faked a marriage with one girl. Prosecutors alleged that eight young women, potential witnesses who worked for Reddy in Berkeley had disappeared and might have been returned to India to avoid being interviewed by investigators. In October 1999, a Silicon Valley businessman was charged in a scheme to bring a 13-year old Vietnamese girl to the U.S. as a sex slave. Customs agents say Michael Rostoker agreed to pay the girl's family $150,000. Rostoker, president and chief executive of a San Jose electronics firm, has pleaded not guilty. The International Organization for Migration, a U.N. agency, estimates that from 1991 to 1998, 500,000 women from Ukraine alone were trafficked to the West for sexual exploitation. A recent investigation by local prosecutors found Mexican women were being shipped to Florida to sexually serve migrant workers. Thailand, Sri Lanka and the Philippines have become known as "sex tourist centers."[iv]

4. Despite numerous treaties[v] prohibiting trafficking they remain ineffectual due to weak mechanisms for monitoring implementation and a lack of coordination among the various U.N. bodies. Their capacity to provide effective protection and remedies to victims is compromised by conflicting domestic immigration and anti-prostitution laws which hold victims criminally liable and insufficient legislation incorporating extra territorial jurisdiction with extradition proceedings. Laws are also compromised by corrupt law enforcement and public officials who act as accomplices to traffickers. The enforcement provisions of the Trafficking and Slavery Conventions are weak because no independent supervisory body exists with authority to question States' reports, issue recommendations, or receive and act on petitions by victims alleging violations. CEDAW has been ineffectual because unfortunately, many states such as the U.S. have not ratified CEDAW. Although the Convention on the Rights of the Child (CRC) could reduce trafficking because of its nearly universal ratification, it remains ineffectual because its primary mechanism for monitoring implementation is the state reporting procedure. There is no Optional Protocol as under the ICCPR. The ICCPR has potential to curb trafficking because of its individual complaint mechanism within its First Optional Protocol, however, not many states have ratified the Optional Protocol.

5. HRA takes note with appreciation the work of the High Commissioner for Human Rights, Mary Robinson, who submitted a Note and the Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, who submitted a Position Paper at the June-July 1999 meeting of the AdHoc Committee on the Elaboration of a Convention against Transnational Organized Crime urging delegates to incorporate adequate human rights protections for trafficked persons as well as a broad definition of trafficking.[vi] HRA also commends the work of the Commission on the Status of Women particularly its major accomplishment of an Optional Protocol to CEDAW (which allows for no reservations) and which was adopted allowing women to file complaints specifically under the Convention.

Recommendations

6. HRA requests the Commission to call upon Governments to criminalize trafficking, penalize all offenders, including intermediaries, whether the offense was committed in their own or in a foreign country, confiscate criminal revenue, and penalize persons in authority found guilty of sexually assaulting victims in their custody. Governments should be encouraged to introduce legislation incorporating extra territorial jurisdiction with extradition procedures for trafficking-related offenses, and prohibiting the use of the Internet for trafficking women as brides and sex tourism and to pass or modify their immigration, asylum, anti-prostitution laws to protect victims.

7. HRA requests the Commission to urge the Ad Hoc Committee on the Elaboration of a Convention Against Organized Crime not to preclude the question of punishment in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, as without adequate punishment, the Protocol would be ineffectual.

8. HRA requests the Commission to encourage a comprehensive Convention on Trafficking to include all its modern manifestations i.e. slavery-like practices and the Internet, and meanwhile urge States to ratify CEDAW and the First Optional Protocol to the ICCPR so the individual complaint mechanism can be utilized to provide redress for victims.

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[i] Kristana Chaiyarat, Half of MP's Said Linked to Money Laundering, THE NATION, Nov.7, 1995, at A5, cited in 12 Geo. Immigr.L.J.145 (1997)

[ii] Donna M. Hughes, The Internet and the Global Prostitution Industry, Womenspace: Spring 99

[iii] San Francisco Chronicle, November 19, 1997

[iv] Harriet Chiang Berkeley Case Puts Focus on Sex Traffic Foreign women, girls sold to buyer in U.S., San Francisco Chronicle January 24, 2000

[v] Universal Declaration of Human Rights, the Slavery Convention of 1926, the 1956 Supplementary Convention on the Abolition of Slavery,1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the International Labor Organization's Forced Labor Convention (No. 29) and the 1957 Abolition of Forced Labor Convention (No. 105); the Convention on Elimination of All Forms of Discrimination Against Women Articles 2,6,and 18; the Convention on the Rights of the Child, Articles 24, 27-29, 31 and 32. The International Covenant on Civil and Political Rights, Articles 8(1), article 2. The International Covenant on Economic, Social, and Cultural Rights, Articles 7, 10(3),11,13

[vi] Document A/AC.254/16 on the June-July meeting web page.